

UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO

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In re: PROMESA
Title III
THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,
as representative of No. 17 BK 3283-LTS
THE COMMONWEALTH OF PUERTO RICO, *et al.*
(Jointly Administered)
Debtors.¹
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**URGENT MOTION BY O'NEILL & BORGES LLC SEEKING AN EXTENSION OF
THE DEADLINE TO RESPOND TO THE "*MOTION TO DISQUALIFY THE LAW
FIRM O'NEILL & BORGES, LLC FOR [PURPORTED] UNRESOLVABLE
CONFLICTS OF INTEREST INCURRED IN VIOLATION OF THE PUERTO RICO
RECOVERY ACCURACY IN DISCLOSURES ACT OF 2021, 48 U.S.C. 2101 ET SEQ.*"
FILED BY R&D MASTER ENTERPRISES, INC. [ECF 23285]**

To the United States District Court, Honorable Judge Laura Taylor Swain:

O'Neill & Borges LLC ("O&B"), as Puerto Rico counsel for the Financial Oversight and Management Board for Puerto Rico (the "Oversight Board"), as representative of the Commonwealth of Puerto Rico ("Commonwealth"), the Puerto Rico Sales Tax Financing Corporation ("COFINA"), the Puerto Rico Highways and Transportation Authority ("HTA"), the Employees Retirement System for the Commonwealth of Puerto Rico ("ERS"), the Puerto Rico

¹ The Debtors in the jointly-administered Title III Cases, along with each Debtor's respective Title III case number listed as a bankruptcy case number due to software limitations and the last four (4) digits of each Debtor's federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation ("COFINA") (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority ("HTA") (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico ("ERS") (Bankruptcy Case No. 17 BK 3566- LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority ("PREPA") (Bankruptcy Case No. 17 BK 4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority ("PBA") (Bankruptcy Case No. 19-BK-5523-LTS) (Last Four Digits of Federal Tax ID: 3801) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

Electric Power Authority (“PREPA”) and the Puerto Rico Public Buildings Authority jointly (“PBA,” with the Commonwealth, COFINA, HTA, ERS and PREPA referred to as “Debtors”), as Title III debtors, by and through the Oversight Board, as the Debtors’ representative pursuant to section 315(b) of the *Puerto Rico Oversight, Management, and Economic Stability Act* (“PROMESA”),² respectfully submit this motion (the “Motion”), for entry of an order, substantially in the form attached hereto as **Exhibit A**, extending the deadline for O&B to respond to the “*Motion to Disqualify The Law Firm O’Neill & Borges, LLC For [Purported] Unresolvable Conflicts of Interest Incurred in Violation of The Puerto Rico Recovery Accuracy In Disclosures Act Of 2021, 48 U.S.C. 2101 et Seq.*” (the “Motion to Disqualify”) filed By R&D Master Enterprises, Inc., Docket No. 23285. In support of this Motion, O&B respectfully represents as follows:

Relief Requested

1. By this Motion, O&B requests an order extending the deadline to file its response to the *Motion to Disqualify* until Monday, March 6, 2023.
2. On January 19, 2023, R&D Master filed its *Motion to Disqualify*. Docket No. 23285.
3. On January 20, 2023, the Honorable Court issued an order setting the briefing schedule for such motion as follows:

Responsive papers to the [*Motion to Disqualify*], if any, must be filed by February 2, 2023, at 5:00 p.m. (Atlantic Standard Time). Movant’s reply papers must be filed by February 9, 2023, at 5:00 p.m. (Atlantic Standard Time). The Court will thereafter take the [*Motion to Disqualify*] on submission unless the Court determines that a hearing is necessary.

² PROMESA has been codified in 48 U.S.C. §§ 2101–2241.

4. O&B is in the process of drafting its response to the *Motion to Disqualify* but in order file a comprehensive and thorough response thereto, O&B will require thirty (30) additional days to finalize the same.

5. Accordingly, O&B requests an extension of thirty (30) days from its current deadline of February 2, 2023 to submit its response, such that its response would be due on Monday, March 6, 2023 at 5:00 p.m. (Atlantic Standard Time), and R&D Master's corresponding reply would thus be due on Monday, March 13, 2023 at 5:00 p.m. (Atlantic Standard Time).

6. O&B sought the consent of R&D Master for this extension of time but was informed by its counsel that R&D Master does not consent to an extension of time.

7. O&B hereby certifies that there is a true need for urgent relief and that such urgency was not created through any lack of due diligence.

8. No prior request for the relief sought in this Motion has been made to this or any other court.

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WHEREFORE O&B respectfully requests the Court to enter the Proposed Order attached hereto as **Exhibit A**, granting the relief requested herein and all other relief that is just and proper.

Dated: February 2, 2023
San Juan, Puerto Rico

Respectfully submitted,

/s/ Carla García Benítez

Carla García Benítez

USDC-PR No. 203708

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*Attorneys for the Financial
Oversight and Management Board
as Representative for the Debtors*

Exhibit A

Proposed Order

UNITED STATES DISTRICT COURT
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ORDER EXTENDING O'NEILL & BORGES LLC'S DEADLINE TO RESPOND TO THE "MOTION TO DISQUALIFY THE LAW FIRM O'NEILL & BORGES, LLC FOR UNRESOLVABLE CONFLICTS OF INTEREST INCURRED IN VIOLATION OF THE PUERTO RICO RECOVERY ACCURACY IN DISCLOSURES ACT OF 2021, 48 U.S.C. 2101 ET SEQ." FILED BY R&D MASTER ENTERPRISES, INC. [ECF 23285]

Upon the *Urgent Motion by O'Neill & Borges LLC Seeking an Extension of the Deadline to Respond to the "Motion to Disqualify the Law Firm O'Neill & Borges, LLC for [Purported] Unresolvable Conflicts of Interest Incurred in Violation of the Puerto Rico Recovery Accuracy in Disclosures Act of 2021, 48 U.S.C. 2101 et seq." Filed by R&D Master Enterprises, Inc. [ECF 23285]* (the "Motion");² and the Court having found it has subject matter jurisdiction over this matter pursuant to PROMESA section 306(a); and it appearing that venue is proper pursuant to

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² Capitalized terms used but not otherwise defined herein have the meanings given to them in the Motion.

PROMESA section 307(a); and the Court having found that the relief requested in the Motion is in the best interests of the Debtors, their creditors, and other parties in interest, it is **HEREBY ORDERED THAT:**

1. The Motion is granted as set forth herein.
2. The deadline for O'Neill & Borges LLC to file its response the "*Motion to Disqualify the Law Firm O'Neill & Borges, LLC For Unresolvable Conflicts of Interest Incurred on Violation of the Puerto Rico Recovery Accuracy In Disclosures Act Of 2021, 48 U.S.C. 2101 et seq.*" filed by movant R&D Master Enterprises, Inc. ("R&D Master") at Docket No. 23285 shall be extended to Monday, March 6, 2023 at 5:00 p.m. (Atlantic Standard Time), and movant R&D Master's corresponding reply would thus be due on Monday, March 13, 2023 at 5:00 p.m. (Atlantic Standard Time).
3. This Court retains exclusive jurisdiction with respect to all matters arising from or related to the implementation, interpretation, and enforcement of this Order.
4. This Order resolves docket entry no. _____.

SO ORDERED.

Dated: _____, 2022
San Juan, Puerto Rico

LAURA TAYLOR SWAIN
United States District Judge